

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 30, 1998

RE: DOCKET NO. 980679-WU - Initiation of show cause proceedings against Mobile Manor, Inc., in Lee County for violation of Rule 25-30.110(3), F.A.C., Annual Report.

Issue 1: Should Mobile Manor be ordered to show cause, in writing, within 20 days, why it should not remit a penalty in the amount of \$5,202 for failing to comply with Rule 25-30.110, Florida Administrative Code, in that it did not file its annual reports for 1994, 1996, and 1997?

Recommendation: Yes. Staff recommends that Mobile Manor should be ordered to show cause, in writing, within 20 days, why it should not remit a penalty in the amount of \$5,202 (\$3,561 for 1,187 days x \$3.00 per day for 1994; \$1,368 for 456 days x \$3.00 per day for 1996; and \$273 for 91 days x \$3.00 per day for 1997) for violation of Rule 25-30.110, Florida Administrative Code, by failing to file its annual reports for 1994, 1996, and 1997. The show cause order should incorporate the conditions stated in the analysis portion of staff's memorandum dated June 18, 1998. Further, Mobile Manor should immediately file the annual reports for 1994, 1996, and 1997, and should be put on notice that further violations of Rule 25-30.110, Florida Administrative Code, will result in further action by the Commission.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

[Empty lines in the dissenting column]

REMARKS/DISSENTING COMMENTS: Commissioner Garcia participated by *video* telephone. He concurred /dissented in the majority vote and will sign the vote sheet upon his return to Tallahassee.

teleconference.

DOCUMENT NUMBER-DATE

06977 JUL-28

FFCC-REG/D/REPORTING

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Issue 2: Should this docket be closed?

Recommendation: If Mobile Manor responds to the show cause order by filing the annual reports and remitting all associated penalties, this docket should be closed administratively. If Mobile Manor fails to timely respond to the show cause order and fails to respond to Commission staff's reasonable collection efforts, then this matter should be referred to the Comptroller's office for further collection efforts and this docket should be closed administratively. If Mobile Manor responds to the show cause order and requests a hearing, this docket should remain open for final disposition.

APPROVED